



DFC - 5 2007

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 4, 2007

By Hand

Honorable Douglas F. Eaton
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Room 1360
New York, New York 10007

MEMO ENDORSED

Re: Khawar Maqsood v. Astrue
07 Civ. 3002 (DAB) (DFE)

Dear Judge Eaton:

This Office represents the defendant, Commissioner of Social Security, in the above-referenced matter. I am writing to advise the Court of the status of this matter and respectfully request an extension of time on the remaining briefing schedule.

On November 26, 2007, this Office served and filed a motion to dismiss the complaint, or in the alternative, for an order granting summary judgment. Plaintiff pro se has indicated that to date, he has not received the government's papers. Therefore, yesterday, we re-sent the government's papers by overnight mail (Tracking No. 8614 4038 7660).

Plaintiff pro se has indicated that he would like until December 21, 2007, to respond to the government's motion. The government consents to this request. Additionally, due to vacation plans, I will be away from the Office from December 24, 2007 through January 1, 2008. Therefore, I respectfully request until January 16, 2008, to submit the government's reply, if any.

This is plaintiff's first request for an extension of time to respond to the government's motion.

12/5/07 - I approve this revised briefing schedule. & deny plaintiff's 11/30/07 request that defendant's motion be denied at this stage. After 1/16/08, I will read all the papers and then write a Report and Recommendation to Judge Battis. Douglas F. Eaton

Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

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cc: Khawar Maqsood, Plaintiff Pro Se